

The applicable inquiry is whether the result of the process has a substantial and credible utility. This utility need not be recited in the claims. MPEP §2106(IV)(C)(2)(2)(a) states that, “for an invention to be ‘useful’ it must satisfy the utility requirement of section 101.” *See* MPEP §2106(IV)(C)(2)(2)(a), page 2100-12 of Original Eighth Edition, Rev. 5, August, 2006. The MPEP General Principles Governing Utility Rejections instruct, “[i]f the applicant has asserted that the claimed invention is useful for any particular practical purpose (i.e., it has a ‘specific and substantial utility’) and the assertion would be considered credible by a person of ordinary skill in the art, do not impose a rejection based on lack of utility.” *See* MPEP §2107(II)(B)(1), page 2100-20 of Original Eighth Edition, Rev. 5, August, 2006.

The utility of the invention recited in claims 1 and 11 is that the receiver configuration may be used in a receiver to detect emitters (e.g., radar signals from emitters). This is described in numerous places in Applicant’s specification, including page 24, line 12 – page 29, line 22.

Applicant notes that claim 21, which is allowed, is identical to claim 1, except that it includes an additional limitation that recites, “when it is determined that the first receiver configuration is preferable over the second receiver configuration, using the first receiver configuration in the receiver.”

Thus, there appears to be no disagreement as to whether the use of the receiver configuration in the receiver is a specific, substantial, and credible utility. Rather, the point of contention is whether this utility must be recited in the claims to make the claims statutory.

Applicant respectfully asserts that the utility of the claimed invention need not be recited in the claim. Indeed, as stated in the MPEP, “[i]n most cases, an applicant’s assertion of utility creates a presumption of utility that will be sufficient to satisfy the utility requirement of 35 U.S.C. §101.” *See* MPEP §2107.02, page 2100-30 of Original Eighth Edition, Rev. 5, August, 2006.

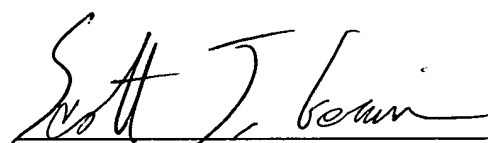
In view of the foregoing, it is respectfully requested that the rejection of claims 1-20 under 35 U.S.C. §101 be withdrawn and a notice of allowance be issued.

CONCLUSION

In view of the foregoing remarks, the application should now be in condition for allowance. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Anthony J. Gounalis, Applicant

By: 
Scott J. Gerwin, Reg. No. 57,866
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

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